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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,340	03/09/2001	Jan Hendrik Statius Muller	NL 000106	7333

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/803,340

Applicant(s)

STATIUS MULLER, JAN HENDRIK

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/6/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-7 are presented for examination.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the European Patent Office on 3/13/2000. It is noted, however, that applicant has not filed a certified copy of the EPO application as required by 35 U.S.C. 119(b).

#### ***Specification***

3. The abstract of the disclosure is objected to because the abstract contains more than 150 words. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "and/or to further data set elements (71 to 76, 81 to 85) present in the associated data sets (8)." Is indefinite since it cannot be determined if "further data set elements ..." are required or optional. For purposes of applying prior art, the Examiner will interpret the phrase and/or to be or.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Diano et al., EPO 0952726 A1 (hereinafter Diano).

As to claims 1 and 7, Diano discloses A management system for the management of medical data, notably medical image data and medical reports (see abstract), which system includes a memory (4) for storing the medical data in the form of data sets (8 to 11) which include a plurality of data set elements (71 to 76, 81 to 85) (page 5, lines 49-55 and page 6), code generating means (6) for generating and assigning identification codes (712, 752, 831) to data set elements (71 to 76, 81 to 85)(page 4, lines 14-24), and also a reading device (12) for reading the identification codes (712, 752, 831) , characterized in that the code generating means (6) are arranged to generate identification codes (712, 752, 831) which enable linking to the data sets (8) associated with the data set elements (71 to 76, 81 to 85) and/or further data set elements (71 to 76, 81 to 85) present in the associated data sets (8), and that linking means (13) are provided for linking data set elements (71 to 76, 81 to 85) to the associated data sets (8)

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on the basis of the identification codes (712, 752, 831) (page 4, lines 40-45 and page 5, lines 25-30).

As to claim 2, Diano discloses A management system as claimed in claim 1, characterized in that the linking means (13) are arranged in such a manner that when an identification code (712, 752, 831) is read, information is output concerning further data set elements (71 to 76, 81 to 85) present in the associated data set (8)(page 5, lines 25-30).

As to claim 3, Diano discloses A management system as claimed in claim 1, characterized in that the linking means (13) are arranged in such a manner that when an identification code (712, 752, 831) is read, one or more data set elements (71 to 76, 81 to 85) of the associated data set (8) are displayed on a display device (16) (page 10, lines 15-25).

As to claim 6, Diano discloses A management system as claimed in claim 1, characterized in that the code generating means (6) are arranged to generate and assign identification codes (831), particularly in the form of readable and selectable links, to data set elements (81 to 85) presented in the form of digital data notably in the form of (page 4, lines 15-25).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diano as applied to claim 1 above, and further in view of.

As to claim 4, Diano does not explicitly disclose A management system as claimed in claim 1, characterized in that the code generating means (6) are arranged to generate and apply the identification codes (712, 752) to the data set elements (71 to 76) in the form of hard copies, notably to medical images or reports presented as hard copies, in a machine readable form, notably in the form of a bar code.

However, Weinger discloses code generating means are arranged to generate and apply the identification codes to the data set elements in the form of hard copies, notably to medical images or reports presented as hard copies, in a machine readable form, notably in the form of a bar code (col. 1, lines 15-24 and col. 2, lines 59-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation for the motivation of viewing patient medical image data on demand to allow specialist's to make more accurate interpretations and correct decisions (col. 2, lines 1-8).

As to claim 5. Diano does not explicitly disclose A management system as claimed in claim 4. characterized in that the code generating means (6) are arranged for the direct or indirect application of the identification codes (712, 752) to the data set elements (71 to

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76) presented as hard copies, notably by printing on the hard copies or by applying labels to the hard copies.

However, Weinger discloses characterized in that the code generating means are arranged for the direct or indirect application of the identification codes to the data set elements presented as hard copies, notably by printing on the hard copies or by applying labels to the hard copies (col. 1, lines 15-24 and col. 2, lines 59-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation for the motivation of viewing patient medical image data on demand to allow specialist's to make more accurate interpretations and correct decisions (col. 2, lines 1-8).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Pat. No. 6,556,698 discloses a system for associating radiographic film with patient information.

b. Pat. No. 6,198,837 discloses storing medical image information.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax

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telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski". The signature is fluid and cursive, with the first name "Alexander" and last name "Kalinowski" clearly distinguishable.

Alexander Kalinowski

Primary Examiner

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3/21/2004